



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

February 26, 2014

CERTIFIED MAIL: 7010 1870 0001 1558 1726
RETURN RECEIPT REQUESTED

Mr. Aaron Church, Yadkin County Manager
Post Office Box 146
Yadkinville, North Carolina 27055

CERTIFIED MAIL: 7010 1870 0001 1558 1702
RETURN RECEIPT REQUESTED

Mr. Gary Hayes, Yadkin County Director of Inspections & Environmental Services
Post Office Box 457
Yadkinville, North Carolina 27055

CERTIFIED MAIL: 7010 1870 0001 1558 1696
RETURN RECEIPT REQUESTED

Ms. Kathie Jester, Yadkin Count Solid Waste Supervisor
Post Office Box 1298
Yadkinville, North Carolina 27055

CERTIFIED MAIL: 7010 1870 0001 1558 1719
RETURN RECEIPT REQUESTED

Mr. Drew Isenhour, Area President
Republic Services of North Carolina, LLC
Post Office Box 1
Conover, North Carolina 28613

SUBJECT: **Notice of Deficiency**
Compliance Inspection Report
Yadkin County Solid Waste Transfer Facility
Permit #: 99-03T
Yadkin County

Dear Sirs and Madam:

On February 11, 2014, I, representing the State of North Carolina, Division of Waste Management Solid Waste Section ("Section"), inspected the above referenced facility for compliance with North Carolina Solid Waste Statutes and Rules. Kathie Jester and Scott Tennant were present representing Yadkin County and Republic Services of North Carolina, LLC. During this inspection, the following items were noted and/or observed:

- A. **15A North Carolina Administrative Code 13B .0402(7) states:** *Appropriate method shall be provided to confine material subject to be blown by the wind within the area. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the owner or operator.*

Operating Condition #7(e)(ii) states: *"Windblown materials must be collected by the end of the day and no windblown material may be allowed to leave the facility boundary.*

During the inspection, severe windblown waste was observed on each side of the access road leading to the transfer station, within the rip rap areas on each side of the transfer station, along the access road leading around the back of the facility and within the area designated for storage of roll-off containers. Therefore, Yadkin County and Republic Services of North Carolina, LLC are in violation of 15A NCAC 13B .0402(7) and Operating Condition #7(e)(ii).

- B. **15A North Carolina Administrative Code 13B .0203(d) states:** *"By receiving solid waste at a permitted facility, the permittee(s) shall be considered to have accepted the conditions of the permit and shall comply with the conditions of the permit."*

General Condition #17 of the Permit to Operate referencing designated waste areas within the facility including the Paper/Plastics Recyclables states: *"These areas shall be operated and maintained in a manner so as to minimize odors, prevent the creation of a nuisance, potential health hazard, or potential fire."*

Yadkin County is in violation of 15A NCAC 13B .0203(d) and General Condition #17 of the Permit to Operate in that windblown waste was observed on the surrounding the trailers and along the vegetated area east of the recycling area. This material consisted primarily of plastic bottles and paper and appeared to originate from the storage bays for recyclables.

In order to achieve compliance, within 10-days of receipt of this Notice of Deficiency, the facility must complete the following:

1. All windblown waste surrounding the transfer station and along the access road must be picked up and returned to the transfer facility.

2. All windblown waste resulting from recycling activities must be picked up and returned to the designated disposal area. Steps must also be taken to prevent future incidents of recyclables being deposited by wind outside of the designated recycling area creating a nuisance. Action can include, but not be limited to, reinstalling the retaining nets at the entrance to each recycling bay. Only one net was in place during the inspection.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including a notice of violation, civil penalty, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at (704) 235-2144 or charles.gerstell@ncdenr.gov.

Sincerely,



Charles T. Gerstell
Environmental Senior Specialist
Solid Waste Section

Enclosure: Facility Compliance Inspection Report.

copies: Jason Watkins, Western District Supervisor
Ellen Lorscheider, Planning and Programs Branch Head
Sarah M. Rice, Compliance Officer